



# Workshop on Valley Water's Approach to Addressing Unhoused Encampments in Waterways and on Valley Water Property

Valley Water Special Board Meeting  
January 18, 2023



# District Act and Prior Legislative Efforts

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- Santa Clara Valley Water District Act:
  - Defines Valley Water's role and authority in water management, including use of revenue
  - Previous 2017 effort to amend the District Act was unsuccessful
  - Potential opportunity to amend in 2023
- California Constitutional Limitations:
  - Proposition 218 – limits local governments in imposing property related fees and charges
  - Proposition 26 – limits on funding public services via fees, defines a tax as requiring voter approval
- Evolving case law on unpermitted camping: Martin v. City of Boise
  - Potential legal rationale for why the safe operation of water supply and flood protection infrastructure requires financial expenditure to lawfully address encampments

# Encampment Cleanup Efforts

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- Funding resources:
  - Federal funding: Limited to addressing environmental and water quality impacts
  - State funding: Special districts precluded from applying for majority of grants
  - Local funding: Safe, Clean Water and Natural Flood Protection Program
    - Cost share agreements, grants and partnerships
- Policies, procedures and protocols
  - CDC interim guidance – 12'x12' space per individual; abatement pause
  - Encampment management rather than abatement
  - Water Resources Encampment Risk Assessment
- 931.03 tons of trash removed by Valley Water cleanup crew in 2022

# Encampment Cleanup Costs & Funding

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	FY19	FY20	FY21	FY22	FY23
Encampment Cleanup Budget	\$927,131	\$1,515,073	\$922,107	\$1,923,736	\$2,406,885
Encampment Cleanup Expenditures	\$968,819	\$845,455	\$364,895	\$2,218,126	\$1,039,063 (As of 12/16/22)
Encampment Cleanup Budget Remaining	(\$41,688)	\$669,618	\$557,212	(\$294,390)	\$1,367,822 (As of 12/16/22)
Encampment Cleanup Budget Expended	104%	56%	40%	115%	43%

# Calendar Year 2022 Security Costs

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<b>Stream Stewardship Law Enforcement</b>	<b>\$68,652</b>
<b>Coyote Creek Trail Patrols</b>	<b>\$360,040</b>
<b>Secondary Employment Unit</b>	<b>\$75,565</b>

# Utilization of Valley Water Real Property

- Potential for utilizing Valley Water land holdings for temporary housing through the sale, lease or transfer to a city or the County
- Valley Water Surplus Lands: land recommended to be designated as surplus does not provide operational value for planned projects, operations, stewardship objectives or other agency purpose
- Subject to the Surplus Land Act
  - “Right of first refusal” – agencies must offer surplus lands to affordable home developers and other entities before selling or leasing land
- District Act: Board may vote to sell, lease, or transfer to public entity

# Collaboration with Cities, County, and Agencies

- Existing MOA with City of San José
  - City provides outreach and notice posting, security services, personal item storage, and disposal costs
  - Valley Water oversees logistics of cleanup operations, including equipment, trash hauling, and permits
  - Model for operations with other cities
- Joint Powers Authority: independent authority must establish a governing board, define powers and functions in a charter
  - Could enhance coordination among local governmental organizations but does not create new resources/funding
- Alternative to JPA: Global agreement among local jurisdictions

# Example cost of comprehensive services

- Valley Water is pursuing an MOA with the City of San Jose to relocate unhoused people along Coyote Creek to begin the first phase of the Coyote Creek Flood Management Measures project.
- An estimate for all efforts related the relocation of approximately 100 people is between **\$8 - \$9.5 million**.
  - Note: Estimate is for Valley Water's cost-share portion.
- Services include CSJ field staff, outreach services, labor and equipment for cleanup, trash disposal, processing and storage of personal items, SJPd security, temporary housing and financial assistance.



# Other Efforts to Address Unhoused Encampments 9

- Consider the preceding information in determining the direction of Valley Water's work to address and mitigate the negative impacts of unhoused encampments
- Make additional recommendations resulting from the workshop discussion or based on the Board's experience and knowledge

# Staff Recommendations to Address Unhoused Encampments

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- Abstain from seeking District Act amendments at this time
- Use Board authority under Measure S Safe, Clean Water and Natural Flood Protection Program: consider re-directing funds from other Safe, Clean Water Projects
- Offer additional use of Valley Water property
- Work to establish a global partnership with municipalities